

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

In re:)	
)	
CIRCUIT CITY STORES, INC., et al,)	Case No. 08-35653-KRH
)	Chapter 11
Debtors.)	Jointly Administered

**RESPONSE OF JWC LOFTUS, LLC TO DEBTORS'
THIRTY-FIFTH OBJECTION TO CERTAIN DUPLICATE CLAIMS**

JWC/Loftus, LLC ("Loftus"), by and through its undersigned counsel, submits this Response to the Debtors' Thirty-fifth Omnibus Objection to Certain Duplicate Claims ("the Thirty-fifth Omnibus Objection" or "the Objection"). In Support of its Response, Loftus respectfully states as follows:

Background

1. On November 10, 2008, ("the Petition Date"), Circuit City Stores, Inc. and related companies filed voluntary petitions for relief under Chapter 11 of Title 11 of the United States Code.
2. Loftus is the landlord and lessor under a Lease Agreement ("Lease") with Circuit City Stores West Coast, Inc. ("the Lessee"), one of the debtors in this matter, for certain real property and improvements located at 2600 Pearl Street in Boulder, Colorado ("the Premises") (Store No. 3348).

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3. Debtor Circuit City Stores, Inc. ("the Debtor") is the guarantor of the Lease. This Response pertains to the Debtor and to the Lessee. All claims to which Loftus is entitled under the Lease are claims against the Lessee and the Debtor, jointly and severally. The Debtor and Lessee may be referred to herein as ("the Debtors.")

4. Loftus has different types of claims in this proceeding under the Lease, including claims for amounts owed as of the Petition Date ("the Prepetition Claim"); amounts owed for damages related to the rejection of the Lease ("the Lease Rejection Claim"); and amounts owed for Administrative claims ("the Administrative Claim").

5. The Thirty-fifth Omnibus Objection purports to object to duplicative Administrative claims of Loftus in the Circuit City Stores West Coast, Inc. and the Circuit City Stores, Inc. matters, respectively. The Objection does not purport to pertain to any other types of claims of Loftus.

6. In Exhibit D to the Objection, the Debtors identify what they contend are duplicative claims of Loftus, each in the amount of \$237,101.45. Regarding Circuit City Stores West Coast, Inc., the Debtors assert that claim no. 13709 was filed on June 16, 2009, and claim no. 13771 was filed on June 26, 2009. With respect to the Circuit City Stores, Inc. case, the Debtors assert that claim no. 13710 was filed on June 16, 2009, and that claim no. 13851 was filed on June 26, 2009.

7. Regarding the Circuit City Stores West Coast, Inc. case, the Debtors propose that Claim No. 13709 be disallowed as the duplicate claim, and that Claim No. 13771 be deemed the surviving claim. Regarding the Circuit City Stores, Inc. case, the Debtors propose that Claim No. 13710 be disallowed as the duplicative claim, and that Claim No 13851 be deemed the surviving claim.

8. On June 15, 2009, Loftus sent by overnight delivery, and under separate cover letters, the following claims ("the Loftus Claims") to claims agent Kurtzman Carson Consultants LLC ("the Claims Agent") at the designated address:

a. One claim in the amount of \$237,101.45 in the Circuit City Stores, Inc. case; and

b. One claim in the amount of \$237,101.45 in the Circuit City Stores West Coast, Inc. case.

9. Pursuant to the claims process in this matter, Loftus received filed-stamped copies of its cover letters and claims from the Claims Agent confirming that the Loftus Claims had been received in each respective case on June 16, 2009.

10. Loftus did not file duplicative claims in the Circuit City Stores West Coast, Inc. matter or in the Circuit City Stores, Inc. matter. Therefore, the Objection as it pertains to Loftus is without basis in fact or law, and should be withdrawn; and Loftus should be awarded its attorney's fees in responding to the Objection.

11. Claim Nos. 13709 and 13710, respectively, should be deemed allowed claims, and they should not be disallowed or expunged. Any other claims for claim numbers do not relate to any filing by Loftus. In all events, Loftus objects to any actions to its prejudice regarding the claims it has filed in this matter.

WHEREFORE, Loftus respectfully requests the Debtors' Objection be denied, and that the claims of Loftus be deemed allowed. Loftus further asks the Court to award Loftus its attorney's fees and costs, and to grant Loftus such other and further relief as this Court deems proper and equitable. Loftus further asks the Court to deny any requests for payment of attorney's fees and costs by the Debtors related to this Objection.

Date: September 14, 2009

JWC/LOFTUS, LLC

By: /s/ Philip C. Baxa
Of Counsel

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the 14th day of September, 2009, this Response will be filed with the Clerk of the Court using the CM/ECF system, and send a true and correct copy of the Response via regular mail, postage prepaid, on September 11, 2009 to:

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